

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARY KOOPMANN, TIMOTHY KIDD and
VICTOR PIRNIK, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff(s),

v.

FIAT CHRYSLER AUTOMOBILES N.V.,
SERGIO MARCHIONNE, RICHARD K.
PALMER, SCOTT KUNSELMAN, MICHAEL
DAHL, STEVE MAZURE and ROBERT E.
LEE

Defendants.

Civ. Action No: 15-cv-07199-JMF

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**DECLARATION OF SARA FUKS IN SUPPORT OF PLAINTIFFS' MOTION TO
EXCLUDE THE TESTIMONY OF DEFENDANTS' PROPOSED EXPERT DANIEL C.
ESTY**

I, Sara Fuks, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am counsel at the Rosen Law Firm, P.A., appointed by the Court as Co-Class Counsel for the Class Representatives Gary Koopmann, Timothy Kidd, and Victor Pirnik, in the above captioned action.
2. I submit this declaration in conjunction with Plaintiffs' Motion to Exclude the Testimony of Defendants' Proposed Expert Daniel C. Esty, and to place before the Court certain documents relevant to Plaintiffs' Motion.
3. Attached hereto as Exhibit 1 is a true and correct copy of the Amended Expert

Rebuttal Report of Daniel C. Esty, dated October 2, 2018.

4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the Deposition Transcript of Daniel C. Esty, dated October 17, 2018.
5. Attached hereto as Exhibit 3 is a true and correct copy of the 1998 “Dear Manufacturer Letter VPCD-90-08, available at:
https://iaspub.epa.gov/otaqpub/display_file.jsp?docid=14143&flag=1, with the relevant excerpt highlighted.
6. Attached hereto as Exhibit 4 is a true and correct copy of the January 19, 2001, EPA “Dear Manufacturer” letter (CCD-01-02 (HD)), available at:
https://iaspub.epa.gov/otaqpub/display_file.jsp?docid=14197&flag=1, with the relevant excerpt highlighted.
7. Attached hereto as Exhibit 5 is a true and correct copy of the “Dear Manufacturer” letter dated November 24, 2014 (CD-14-19 (LDV/LDT/ICI/LIMO)), available at:
https://iaspub.epa.gov/otaqpub/display_file.jsp?docid=33582&flag=1, with the relevant excerpt highlighted
8. Attached hereto as Exhibit 6 is a true and correct copy of an excerpt from the Deposition Transcript of James M. Lyons, dated October 16, 2018.
9. Attached hereto as Exhibit 7 is a true and correct of copy of FCA-PIRNIK-001994107, a document produced by Defendants in this action.
10. Attached hereto as Exhibit 8 is a true and correct of copy of FCA-PIRNIK-001994108, a document produced by Defendants in this action.
11. Attached hereto as Exhibit 9 is a true and correct of copy of FCA-PIRNIK-001994049, a document produced by Defendants in this action.

12. Attached hereto as Exhibit 10 is a true and correct copy of FCA-PIRNIK-002705926, a document produced by Defendants in this action.
13. Attached hereto as Exhibit 11 is a true and correct copy of FCA-PIRNIK-002705938- FCA-PIRNIK 002705944, a document produced by Defendants in this action.
14. Attached hereto as Exhibit 12 is a true and correct copy of FCA-PIRNIK-001622311-1622313, a document produced by Defendants in this action.
15. Attached hereto as Exhibit 13 is a true and correct copy of FCA-PIRNIK-001622402-FCA-PIRNIK001622404, a document produced by Defendants in this action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 12th day of December 2018, in New York, NY

/s/ Sara Fuks
Sara Fuks